

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ASCENTIAL SOFTWARE CORPORATION,

Plaintiff,

v.

RUSSELL DODSON,

Defendant.

Civil Action No. 04-CV-40130-DPW

**MOTION TO IMPOUND DEFENDANT RUSSELL DODSON'S OPPOSITION TO
ASCENTIAL SOFTWARE CORPORATION'S AMENDED MOTION FOR
PRELIMINARY INJUNCTION**

Defendants hereby moves this Court, pursuant to Local Rule 7.2, to impound Defendant Russell Dodson's Opposition to Ascential Software Corporation's Amended Motion for Preliminary Injunction (the "Opposition"). As grounds for this motion, Mr. Dodson states that:

1. Attached to the Opposition is the Declaration of Mr. Dodson. Attached as Exhibit A to such Declaration is an agreement entered into by and between Plaintiff Ascential Software Corporation and Mr. Dodson (the "Agreement").
2. Section Five of the Agreement contains a confidentiality provision that requires Mr. Dodson to maintain the existence and terms of this Agreement as confidential.
3. Mr. Dodson's Declaration contains references to the Agreement.
4. Mr. Dodson's Opposition contains references to, and quotations from, the Agreement.
5. To preserve the confidential nature of the Agreement, Mr. Dodson respectfully requests that the Court impound his Opposition. If Mr. Dodson's motion is granted, he will file a redacted copy of the Opposition, with all references to the Agreement stricken, with the Court.

6. Pursuant to Local Rule 7.2(a), Mr. Dodson requests that, based on the foregoing, good cause exists for the Opposition to remain impounded until further order of the Court.

WHEREFORE, Defendant Russell Dodson respectfully requests that the Court allow his Motion to Impound.

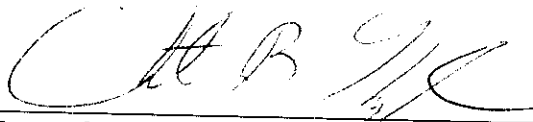
LOCAL RULE 7.1 CERTIFICATION

Counsel for Defendant Russell Dodson hereby certifies that he has attempted to confer with counsel for Plaintiff Ascential Software Corporation in order to resolve in good faith the issue raised in Defendant's Motion to Impound Defendant Russell Dodson's Opposition to Ascential Software Corporation's Amended Motion for Preliminary Injunction. Specifically, Defendant's counsel certifies that he left two messages with Plaintiff's counsel this afternoon. Plaintiff's counsel returned the first of those messages and, in his message, informed Defendant's counsel that he would be in a client meeting for the next few hours. Defendant's counsel returned Plaintiff's counsel's call, but he was unavailable.

Respectfully submitted,

RUSSELL DODSON

By his attorneys,



James S. Dittmar, P.C. (BBO #126320)

Robert M. Hale (BBO #217710)

Christopher B. Kaczmarek (BBO #647085)

GOODWIN PROCTER LLP

Exchange Place

Boston, MA 02109

Tel: (617) 570-1000

Of Counsel:

QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

Robert W. Stone (CA Bar No. 163513) (Motion to Appear *Pro Hac Vice* Pending)

Ann M. Heimberger (CA Bar No. 197060) (Admitted *Pro Hac Vice*)

Matthew W. Meskell (CA Bar No. 208263)

50 California Street, 22nd Floor

San Francisco, CA 94111

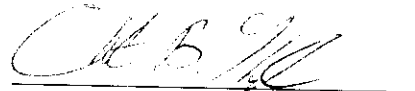
Telephone: (415) 875-6600

Facsimile: (415) 875-6700

DATED: July 14, 2004

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 14, 2004, a true and correct copy of **Defendant's Motion to Impound Defendant Russell Dodson's Opposition to Ascential Software Corporation's Amended Motion for Preliminary Injunction** was served by hand upon Daniel E. Rosenfeld, Esq. and Amy B. Abbott, Esq., Kirkpatrick & Lockhart, LLP, 75 State Street, Boston, MA 02109



Christopher B. Kaczmarek

Dated: July 14, 2004